

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 29, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Fellers; Council Members: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

RAYBOULD Having been appointed to read the minutes of the City Council proceedings of February 22, 2016, reported having done so, found same correct.

Seconded by Camp & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON MARCH 12, MARCH 19, MARCH 26, APRIL 16, APRIL 23, AND MAY 7, 2016 FROM 11:00 A.M. TO 2:00 A.M. - Investigator Conan Schafer, Police Department, came forward and stated that Cappy's SDL does meet all the requirements. Discussion followed.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE ELECTORS OF THE CITY OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STORM SEWER SYSTEM AT THE MAY 10, 2016 PRIMARY ELECTION - Ben Higgins, Public Works, came forward and stated this bond approval is only for putting the Stormwater bond on the May 10 ballot for the public to consider. These projects have been planned for and are part of the Capital Improvement Plan (CIP). Mr. Higgins stated bond funds leverage other funds and projects are coordinated with other entities who are depending upon them to complete necessary work. Stormwater bonds are used to fund urban storm drainage projects, implementation of watershed projects, floodplain/floodprone area projects, stream rehabilitation of parks property, street drainage projects, water quality projects, watershed master plans, and emerald ash borer project. Discussion followed.

Lynn Johnson, Director of Parks & Rec., came forward and stated soon the emerald ash borer will arrive in Lincoln, if not treated the ash trees will die within 15 years. They would like to replace some of the ash trees to get ahead of the dying. Lincoln has around 14,000 ash trees with the highest concentrations in east and south Lincoln. We would like to leverage some of these grants with local funding to replace the ash trees.

Roy Christensen, Council Member, inquired if the plan is to replace trees in parks, City right of way, or both.

Mr. Johnson said both, with the focus on street trees. Discussion followed.

Cyndi Lamm, Council Member, asked Mr. Higgins if one of the projects on the current list, 56th and Fletcher, was approved in the 2012 Stormwater Bond, did we get the federal funds for this project in 2012.

Mr. Higgins said yes, it was on the 2012 Stormwater Bond list, but we did not make the cut for the federal funds needed to do this project.

Ms. Lamm asked if the funds were set aside for the 56th and Fletcher project, and what the funds were spent on if not for that project.

Mr. Higgins stated the funds were used on another project when we did not get the federal funds. Discussion followed.

Jane Raybould, Council Member, asked about the timing of the bond issue if approved by the voters, what happens in May, and how soon can these projects get started.

Mr. Higgins said it usually takes two or three months for the bonds to get sold. Once we get the funding we will start working with consultants getting scope of works ready to go. Some projects might be further along on design, it can vary from project to project depending on where they are with that particular project. Discussion followed.

Ms. Raybould inquired about the cost of starting some of the project now rather than later, since one of the studies suggests an increase in costs if we wait.

Mr. Johnson stated that one of the advantages of doing the projects now is we will not have to treat the trees, part of the strategy is to treat a declining number of trees over time. Some of the trees that we take out now and replace won't need to be treated that will save us cost. Our bids are currently very competitive for tree removal that cost will increase later.

Ms. Raybould stated that some of the funds will go towards the planting different type of tree and removal of trees, but inquired if any of the funds would be used in treatment.

Mr. Johnson stated that none of the money would go towards treatment of trees, it is just for removal and replacement. Replacement is a key so the trees have time to grow.

Carl Eskridge, Council Member, stated Council all received a letter from Lincoln Airport Authority concerning flooding in the area, what project would impact them.

Mr. Higgins stated it would be the Salt Creek Study in tier one.

Leirion Gaylor Baird, Council Member, inquired about the cost of the projects now, and if the cost would increase if the projects were delayed to a later time.

Mr. Higgins stated the longer you wait to fix these projects, over time, they will only get worse, and they will cost more money and at times even street closures. Discussion followed.

Mr. Johnson stated that he wanted to clarify one point that he made earlier, treatment of the ash trees in the future is not a long term strategy, it's a short term approach to stretch out the death curve. We have future treatment as part of our plan, although, it is not part of the solution.

Jon Camp, Council Member, inquired who decides where the money goes from projects that are not done.

Mr. Higgins stated they meet with the NRD every month and discuss projects that need to be done, as well as internal discussions on projects.

Mr. Christensen inquired if the money for the 2012 Bond was not spent on the projects it was meant for where were the funds spent, and what assurances can we give the public that the projects they are voting on will get done and not something else.

Mr. Higgins stated all stormwater bond funds are spent on stormwater projects, we are not allowed to spend the funds on anything other than stormwater projects. Discussion followed.

Ms. Lamm stated on the list of projects the top items stated they are failing or in danger of failing, how long have we known this.

Mr. Higgins stated that we have known this for quite a while, although, we have to prioritize and sometimes these funds go to projects that are more critical. Discussion followed.

Mike Rogers, Bond Counsel, Gilmore & Bell Law, 450 Regency Pkwy, Suite 320, Omaha, came forward and stated that this bond issue, if approved, will go before the voters on May 10.

Scott Keene, Ameritas Investment Corp., 5900 O Street, came forward and stated if approved it generally takes 60 days to get the funds to start the projects.

Ms. Gaylor Baird inquired about the language in this bond and how it states projects expected to include, is that how we address the issue raised about projects that are listed as likely to happen for voters. If for some reason federal funding or other sources don't come through we legitimately use funding for other projects.

Mr. Rogers stated the resolution and the ballot language is very general. The resolution does call out a list of projects and indicates that the types of improvement shall include but not necessarily be limited to some or all of the improvements shown on Attachment 1, it indicates the expected use. It becomes challenging when you lock yourself into a specific list, because things do change over the course of time. This is the standard language for this type of bond.

James Moeller, 5552 Black Pool Road, came forward and stated he lives in the third district. When it rains the open ditch is bank full, with the last 8 rains it ran over. With newer construction in the area, their water also drains into this stream at a right angle, and it creates a whirlpool which is eating away at the back yards. At one of the units a block to the north, the eating away of the yard is to the back door of that residence. Mr. Moeller stated that this area is not on the list and he would like to have it added to the bond.

Ms. Raybould asked if the drainage problem is at 27th and Old Cheney.

Mr. Moeller stated that it is a block away and connects the two districts. Discussion followed.

Coby Mach, Lincoln Independent Business Association, 620 N. 48th Street, came forward expressing concern about the timing of the Stormwater Bond Proposal. This proposal is raising several issues. They are:

1. The current proposal does not replacing a previous bond this will result to a property tax increase.

2. LIBA believes a stormwater bond should be considered by voter only after they know if the new City budget contains a property tax increase or not.

3. LIBA believes the matter should be submitted to the public in November so the voters will know if there are other issues requiring funding.

Mr. Mach said that LIBA has ideas of where funds can come from instead of placing this on a bond issue, but at the very least should remove the \$2 Million dollars for the Emerald Ash Borer, and take immediate action for funding the 56th and Fletcher project.

Doug Murray, Road Builder Machinery & Supply, 5601 Fletcher Ave., came forward and stated that they have been at this location for 16 years. They have had water in their building 8 times over the last 15 years, and 4 of those times have been since 2012, from a two inch rain. This needs to be taken care of, they have spent thousands of dollars each time it floods.

Ms. Lamm asked if Mr. Murray had reported this flooding to the City.

Mr. Murray said every time. Discussion followed.

Rick Wagner, Tool & Design, 5801 North 57th Street, came forward and stated his business also gets flooded when it rains, and they are in favor of this being put on the May ballot. Discussion followed.

Mike DeKalb, 6015 Huntington Ave., came forward and stated he is currently a Board Member on University Place Neighborhood Association and they are in favor of the bond. Mr. DeKalb stated this area in Northeast Lincoln is a lower point in the City and has flooding that needs to be addressed. This bond money is your matching money to be able to go to NRD for matching funds. Discussion followed.

Scott Josiah, Director of Nebraska Forest Service, came forward and stated he lives in Lincoln and wanted to mention the substantial service that trees provide in stormwater interception and management, and that helps reduce local flooding. Mr. Josiah also stated that he knows how fast trees fall apart that have the Emerald Ash Borer, then they quickly become a risk to life and property, and a legal liability. It is much easier, safer, and cheaper to remove a live tree, than a dead one. Mr. Josiah is in favor of this bond.

Derek Brookstrum, National Utility Contractors Association (NUCA), came forward and stated that they are in favor of the bond issue. If delayed to a future date you will lose an entire construction season, which would not be beneficial to anyone. Discussion followed.

Brian Egr, National Utility Contractors Association (NUCA), 8701 Colby, came forward in favor of this bond.

Marc Rosso, Lincoln Engineering Partnership for the American Council of Engineering Company, came forward and stated that we need to think of public safety if we delay this bond until November, it will not be until next year when project can get started. Discussion followed.

Glenn Johnson, General Manager with the Lower Platte South Natural Resources District (LPSNRD), came forward and stated that they are in favor of this bond. Each spring in May the LPSNRD put together a budget for the year. If this bond is delayed to November, the LPSNRD will need to decide if they want to put money into the bond issue knowing that they may or may not have a partner for some of these projects, or wait until the next budget year to budget in the funds. Discussion followed.

Ms. Gaylor Baird asked what happens if only some of the projects are approved in the bond issue.

Mr. Johnson stated the NRD would need to decide what projects they could get done without a partner. Discussion followed.

Jane Kinsey, Watch Dogs of Lincoln, 6703 Hawkins Bend, came forward and stated they agree with LIBA on this bond. Watch Dogs would like to separate out the issue of the ash borer from this bond. Discussion followed.

Ms. Gaylor Baird asked what happens if only some of the projects are approved in the bond issue.

Mr. Higgins stated that these projects will not get done if they do not have the funding for them, spring is the best time to do these bonds.

Ms. Gaylor Baird asked if the City would be faced with increased liability if the emerald ash borer problem does not have an adequate funding source or does not get addressed, what is the liability that we face.

Jeff Kirkpatrick, City Attorney, came forward and stated they would look at if it was a City tree, and was it foreseeable, a lot of times it is not. That would not be the defense in this case, if we have 10,000 ash trees across the City that are dead and we don't get them down before they fall, the City would be liable.

Mr. Christensen asked how the City would be liable without prior notice, if it had not been reported to the City that the tree was dead.

Mr. Kirkpatrick stated there is a legal principle about knew or should have known, the argument would be, if the tree had no leaves all summer it would be very obvious that it was dead.

Trent Fellers, Council Chair, also inquired about prior notice rules.

Mr. Kirkpatrick stated he understands the concern, although, the City has not had an issue like this when thousands of trees are dying within a short period of time. Discussion followed.

Ms. Lamm asked if there is any evidence that our trees have emerald ash borer.

Mr. Kirkpatrick stated that we do not.

Ms. Gaylor Baird asked how this stormwater bond would potentially prevent the kind of impact that we saw last May & October storms.

Donna Garden, Public Works Asst. Director, came forward and said when we have flooding storms there is infiltration from various places, and gets into our sanitary sewer system from streets flooding, there is an impact if we can reduce the flooding in areas to prevent this. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1-15, 2016 - Jeff

Kirkpatrick, City Attorney, came forward and stated there would be an amendment to take one of the items off the list, they have been contacted by an Attorney with further information on this claim.

Roy Christensen, Council Member, stated that he was contacted by Mr. Hoppe whose claim has been denied, and he has questions about this claim and how the damage occurred.

Mr. Kirkpatrick stated they would be happy to provide more information on this claim.

This matter was taken under advisement.

APPROVING A RESOLUTION REQUIRING THE ANNUAL PUBLICATION OF TOTAL WAGE AND

SALARY INFORMATION FOR CITY OF LINCOLN EMPLOYEES - Jeff Kirkpatrick, City Attorney, came forward and stated this is resolution to provide pay information of Lincoln City Employees.

Employees who make \$50,000 and above would list their name, department, and total salary. Employees who are under \$50,000 would list description of position and wage. Discussion followed.

This matter was taken under advisement.

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SPECIAL PERMIT 04016A – APPEAL OF DEREK SCHROEDER AND DEREK ZIMMERMAN FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL TO CONSTRUCT A MULTI-STORY, CLIMATE-CONTROLLED INDOOR SELF-STORAGE BUILDING AND INCREASE THE ALLOWABLE FLOOR AREA TO 197,200 SQ. FT., ON PROPERTY GENERALLY LOCATED AT NORTHWOODS DRIVE AND COLBY STREET - Andrew Willis, Cline Williams, Wright Johnson & Oldfather, 233 South 13th Street, Suite 1900, came forward and stated he is representing the Northern Lights Townhome Association, and they are not in favor of the special permit.

Carl Eskridge, Council Member, asked if there was any formal action taken by the Association to be presented to Council.

Mr. Willis stated that there is a petition.

Brock Zautke, 2000 Connor Place, came forward and stated that he is not in favor of this special permit. This special permit would impact property values, resale, and increase theft in the area neighborhood. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA DEPARTMENT OF ROADS FOR A FEDERAL-AID PROJECT GRANT IN THE AMOUNT OF \$600,000.00 FOR THE IMPLEMENTATION OF A BIKE SHARE PROGRAM - David Cary, Acting Planning Director, came forward and stated this is to start a bike share program. With these grant funds and a \$150,000 local match, non tax dollars, we would like approval on this project to move forward on the bidding process.

Jon Camp, Council Member, inquired about the fact that this will be a 10 year obligation on the Cities part since we would be accepting NDOR money.

Mr. Cary stated just a portion would be purchased with these funds that would be under the 10 year window. Future phases would not be under the 10 year requirement. Discussion followed.

Mr. Camp inquired on the potential liability of the City with this project.

Mr. Cary stated if there was a complete lack of funding and we had to suspend the program, which is not the case, there would need to be some correspondence with the State on how we would repay the federal funds.

Mr. Camp stated that the sponsorships are not committed to 10 years, they are normally one year.

Mr. Cary stated currently 1 of the sponsorships is a three year agreement, another is a two year agreement, and another is a one year agreement. A vendor will be hired to go out and procure those ongoing sponsorships, to have the ongoing stream of revenue. Discussion followed.

This matter was taken under advisement.

APPROVING (1) AMENDMENT TO THE MASTER SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; (2) AMENDMENT TO THE MASTER LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND (3) THE ISSUANCE OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BONDS, SERIES 2016 - Mike Rogers, Bond Counsel, Gilmore & Bell Law, 450 Regency Pkwy, Suite 320, Omaha, came forward and stated that these funds will be used for renovation of the Lancaster County Jail located at 605 South 9th Street, and renovation of the County Crisis Center located at 825 J Street, and would ask for approval of this amendment.

Scott Keene, Ameritas Investment Corp., came forward and stated they would like to take these bonds to market next week on Wednesday. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER “M” BY REESTABLISHING THE PAY RANGE OF M56 AND ASSIGNING CLASS CODE 3017 TO THE EXISTING BATTALION CHIEF CLASSIFICATION FOR THOSE EMPLOYEES WORKING THE 56 HOUR WORK WEEK - Doug McDaniel, Human Resources Department, came forward and stated the purpose of this is to reestablish a practice and paygrade called M56. The M56 is to be used exclusively for Lincoln Fires Battalion Chiefs, those individuals that work a 56 hour work week.

Leirion Gaylor Baird, Council Chair, inquired if there was any fiscal impact from this change.

Mr. McDaniel said no. Discussion followed.

This matter was taken under advisement.

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFICERS, DEPARTMENTS AND PERSONNEL BY ADDING A NEW SECTION NUMBERED 2.04.060 REQUIRING THE REPORTING OF CONTRACTS TO THE CITY COUNCIL AND ADDING A NEW SECTION 2.18.080 REQUIRING THE PRE-QUALIFICATION OF FIRMS PROVIDING SERVICES TO THE CITY - Jane Raybould, Council Member, stated there is a process in place and we know it is working because our City is thriving. This ordinance would institute reporting on a monthly basis, on contracts for professional services that have been transacted, and will increase the transparency and accountability.

Jon Camp, Council Member, stated in his amendment there would be two changes, weekly reporting and knowing of contracts prior to them being approved. Discussion followed.

This matter was taken under advisement.

APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND C STREET, LLC FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SUPERIOR STREET AND LEWIS AVENUE - David Landis, Urban Development Director, came forward and stated this is for the sale of land the City has owned for 45 years. It was donated to the City for a Library, we have no plans to use this land so we are requesting approval.

Carl Eskridge, Council Member, stated this land was given to the City for a Library, where will the sale proceeds go for this land after sold.

Mr. Landis stated that the money from the sale of this land would go into land acquisition fund. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 14, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF KELLY M. GIMM FOR LEVY PREMIUM FOODSERVICE LP DBA LEVY RESTAURANTS AT HAYMARKET PARK AT 403 LINE DRIVE CIRCLE - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89512 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 14, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Kelly M. Gimm for Levy Premium Foodservice LP dba Levy Restaurants at Haymarket Park at 403 Line Drive Circle.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jane Raybould

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, MARCH 14, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF RONALD D. SVASEK FOR CED ENTERTAINMENT DBA CHUCK E. CHEESES AT 221 NORTH 66TH STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-89513 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 14, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Ronald D. Svasek for CED Entertainment dba Chuck E. Cheeses at 221 North 66th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jane Raybould

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LIQUOR RESOLUTIONS

APPLICATION OF APPIAN WAY LODGING, LLC DBA FAIRFIELD INN AND SUITES FOR A CLASS I LIQUOR LICENSE AT 8455 ANDERMATT DRIVE - PRIOR to reading:

CAMP Moved to delay Public Hearing & Action for 1 week to 03/07/16.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JOHN E. KLIMPEL FOR APPIAN WAY LODGING, LLC DBA FAIRFIELD INN AND SUITES AT 8455 ANDERMATT DRIVE - PRIOR to reading:

CAMP Moved to delay Public Hearing & Action for 1 week to 03/07/16.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON MARCH 12, MARCH 19, MARCH 26, APRIL 16, APRIL 23, AND MAY 7, 2016 FROM 11:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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A-89514 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of GNS Corporation dba Cappy's for a special designated license to cover an outdoor area measuring approximately 20 feet by 40 feet and an indoor area measuring approximately 85 feet by 85 feet at Gala Reception Hall at 2602 Park Boulevard, Lincoln, Nebraska, on March 12, March 19, March 26, April 16, April 23, and May 7, 2016 between the hours of 11:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

DIRECTING SUBMITTAL TO THE ELECTORS OF THE CITY OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STORM SEWER SYSTEM AT THE MAY 10, 2016 PRIMARY ELECTION - PRIOR to reading:

LAMM Moved to amend 16R-33 to substitute Attachment 1A as attached hereto in place of Attachment 1 as originally appended to 16R-33 and to amend Section 1b and Section 2 to strike the proposed bond amount of \$9,800,000 and insert the amount of \$6,000,000. Amend Section 1.a. to strike the words "include but shall not necessarily" in line 6 and add the letter "A" in line 8 so that lines 6 through 8 will read:

"Improvements" shall be limited to some or all of the improvements, betterments, extensions and measures generally described in Attachment 1A appended hereto and made a part hereof by reference.

Seconded by Christensen.

RAYBOULD Asked to make a friendly amendment to restore funding for the channel repairs for Rudge/Stransky/Irvingdale Parks.

LAMM Accepted the friendly amendment & increased the bond amount to \$6,300,000.

CHRISTENSEN Called the question.

VOTE ON MOTION TO AMEND #1: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

ESKRIDGE Moved to include the whole package removing the Emerald Ash Borer portion.

Seconded by Raybould and **LOST** by the following vote: AYES: Eskridge, Gaylor Baird, Raybould; NAYS: Camp, Christensen, Fellers, Lamm.

CHRISTENSEN Moved to amend Bill 16R-33, Section 1.a., line 6, after the word "shall", insert " , without further action of the Council,"

Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption as amended:

A-89515 WHEREAS, in order to fund necessary improvements to and extensions of the City of Lincoln's existing storm water drainage and flood management system, and measures to achieve federal and state water quality standards, it is necessary to issue general obligation bonds and to levy a tax for the payment thereof; and

WHEREAS, it is in the best interests of the City to present the question of the issuance of such bonds and the levying of a tax to pay the same to the electors of the City at the statewide primary election to be held by the City on Tuesday, May 10, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the Council") of the City as follows:

- Section 1. The Council hereby finds and determines that:
 - a. It is necessary, desirable, advisable and in the best interests of the City to design, engineer, acquire, construct and/or furnish improvements and betterments to and extensions of its existing storm water drainage and flood management system, and measures to achieve federal and state water quality standards which improvements, betterments, extensions and measures (collectively, the "Improvements") shall, without further action of the Council, be limited to, some or all of the improvements, betterments, extensions and measures generally described in Attachment 1A appended hereto and made a part hereof by reference.

- b. The estimated cost to the City of completing the Improvements will be not less than \$6,300,000, and in order to finance the cost thereof, it will be necessary for the City to issue its general obligation bonds in the principal amount of not to exceed \$6,300,000, such bonds to be dated at the time of their issuance, and to become due and payable on such dates, bear interest at such rates, and to have such other terms as may be fixed by the City at the time of their issuance.
- c. It will be necessary to cause to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient to pay the principal and interest accruing on such general obligation bonds as the same become due.
- d. It is in the best interests of the citizens of the City to present the question of the issuance of such general obligation bonds and the levying of a tax to pay the same to the duly qualified electors of the City at the statewide primary election to be held on Tuesday, May 10, 2016.

Section 2. The following proposition shall be submitted to the qualified electors of the City at the city general election to be held on Tuesday, May 10, 2016.

(FORM OF BALLOT)
STORMWATER MANAGEMENT BOND ISSUE
STATE OF NEBRASKA
CITY OF LINCOLN
OFFICIAL BALLOT
PRIMARY ELECTION – TUESDAY, MAY 10, 2016
GENERAL OBLIGATION BONDS

“Shall the City of Lincoln, Nebraska, issue its general obligation bonds in the principal amount of not to exceed \$6,300,000 for the purpose of paying costs incident to engineering, acquiring, constructing and/or furnishing improvements and betterments to and extensions of the City’s storm water drainage and flood management system and measures to achieve state and federal water quality standards; such bonds to be dated at the time of their issuance and become due and payable on such dates, bear interest at such rates, and have such other terms as may be fixed by the City at the time of their issuance; and “Shall the City cause to be levied and collected annually a tax, in addition to all other taxes, upon the taxable property in the City sufficient in rate and amount to pay the principal of and interest on said bonds as the same become due and payable?”

VOTE FOR or AGAINST

<input type="checkbox"/>
<input type="checkbox"/>

FOR said General Obligation Bonds and Tax Levy.
AGAINST said General Obligation Bonds and Tax Levy.

- Voters desiring to vote in favor of the proposition shall mark in the square opposite the words “FOR said General Obligation Bonds and Tax Levy.” Voters desiring to vote against the proposition shall mark in the square opposite the words “AGAINST said General Obligation Bonds and Tax Levy.”
- Section 3. The Clerk shall cause a notice of such election to be given as provided by Article III, Section 1 of the Charter of the City; and the Mayor shall be and hereby is directed to proclaim and give notice that at the statewide primary election to be held on Tuesday, May 10, 2016, there will be submitted to the qualified electors of the City, for adoption or rejection, the general obligation bond authorization question set forth in paragraph 2 hereof; and the Clerk is further directed to publish said proclamation as provided by law.
 - Section 4. Such statewide primary election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska (the “Election Commissioner”).
 - Section 5. The Clerk is further directed to notify the Election Commissioner for the general obligation bond authorization question set forth in Section 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.
 - Section 6. The polling places for the primary election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, May 10, 2016.
 - Section 7. Such election shall be conducted in accordance with the Charter of the City and the laws of the State of Nebraska applicable to such statewide primary elections, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

Introduced by Carl Eskridge
FINAL VOTE: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 1-15, 2016 - PRIOR to
reading:
RAYBOULD Moved to amend Bill No. 16R-36 as follows:

On Line 11, the following claim should be removed from the list of DENIED CLAIMS:
Veronique Claudio NAS
Seconded by Eskridge.

CHRISTENSEN Offered a friendly amendment to remove the claim of “John L. Hoppe, Sr.” from the list of
DENIED CLAIMS.

RAYBOULD Accepted the amendment.

CLERK Read the following resolution, introduced by Cyndi Lamm, who moved its adoption as amended:

A-89516 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated February 16, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS

~~John L. Hoppe Jr. \$506.07~~
~~Veronique Claudio NAS*~~
Tim Kohls NAS*
Richard & Jill Brandt 150.00
Seth Flowerday 146.87

ALLOWED/SETTLED CLAIMS

Auto-Owners Insurance
a/s/o Donald Mach \$4,246.03
Skip (Lavern) Scheffert 3,316.89

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Cyndi Lamm

FINAL VOTE: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould;
NAYS: None.

APPROVING A RESOLUTION REQUIRING THE ANNUAL PUBLICATION OF TOTAL WAGE AND SALARY INFORMATION FOR CITY OF LINCOLN EMPLOYEES - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89517 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That this Resolution is a declaration of the intent of the City of Lincoln, in the interest of fair and open government, to annually provide to the media for publication total wage and salary information for City of Lincoln employees. The information to be provided shall include the name; department; and total salary or hourly wages for employees earning more than \$50,000.00 annually and only the department and total salary or hourly wages for employees earning less than \$50,000.00 annually.

The City Clerk is directed to provide a copy of this Resolution to the Finance and Human Resources Departments so the pay information can be prepared and furnished to the media in accordance with this Resolution.

Introduced by Roy Christensen

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SPECIAL PERMIT 04016A – APPEAL OF DEREK SCHROEDER AND DEREK ZIMMERMAN FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL TO CONSTRUCT A MULTI-STORY, CLIMATE-CONTROLLED INDOOR SELF-STORAGE BUILDING AND INCREASE THE ALLOWABLE FLOOR AREA TO 197,200 SQ. FT., ON PROPERTY GENERALLY LOCATED AT NORTHWOODS DRIVE AND COLBY STREET - PRIOR to reading:

CHRISTENSEN Moved to continue Public Hearing w/ Action to 03/28/16.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA DEPARTMENT OF ROADS FOR A FEDERAL-AID PROJECT GRANT IN THE AMOUNT OF \$600,000.00 FOR THE IMPLEMENTATION OF A BIKE SHARE PROGRAM - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-89518 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Bike Share Agreement between the City of Lincoln and the State of Nebraska, Department of Roads regarding grant funding for a federal-aid project using Congestion Mitigation and Air Quality (CMAQ) Funds, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for CMAQ grant funding to implement a bike sharing program.

The City Clerk is directed to transmit an executed original Agreement to Geri Rorabaugh, Planning Department, for transmittal to the State of Nebraska, Department of Roads.

Introduced by Cyndi Lamm

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING (1) AMENDMENT TO THE MASTER SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; (2) AMENDMENT TO THE MASTER LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND (3) THE ISSUANCE OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BONDS, SERIES 2016 - CLERK read an ordinance, introduced by Cyndi Lamm, an ordinance of the City of Lincoln, Nebraska (The "City") approving (A) an amendment to the master site lease among the City and the County of Lancaster, Nebraska (The "County"), jointly, as lessor and the Lincoln-Lancaster County Public Building Commission (The "Commission"), as lessee, with respect to the various facilities operated by the Commission (The "Premises"), (B) an amendment to the master lease agreement among the commission, as lessor, and the City and the County, jointly, as lessee, with respect to the premises, and © the issuance of not to exceed \$16,100,000 in aggregated stated principal amount of the Commission's Tax Supported Lease Rental Revenue Bonds, Series 2016; and related matters, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY REESTABLISHING THE PAY RANGE OF M56 AND ASSIGNING CLASS CODE 3017 TO THE EXISTING BATTALION CHIEF CLASSIFICATION FOR THOSE EMPLOYEES WORKING THE 56 HOUR WORK WEEK - CLERK read an ordinance, introduced by Cyndi Lamm, amending Ordinance No. 20063 passed August 11, 2014, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to pay range which prefixed by the letter "M" by reestablishing the pay range of M56 and assigning class code 3017 to the existing "Battalion Chief" classification for those employees working the 56 hour work week, the second time.

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFICERS, DEPARTMENTS AND PERSONNEL BY ADDING A NEW SECTION NUMBERED 2.04.060 REQUIRING THE REPORTING OF CONTRACTS TO THE CITY COUNCIL AND ADDING A NEW SECTION 2.18.080 REQUIRING THE PRE-QUALIFICATION OF FIRMS PROVIDING SERVICES TO THE CITY - PRIOR to reading:

CAMP Moved Motion to Amend #2.

CAMP Withdrew motion.

CAMP Moved to delay Public Hearing w/ Action on Bill 16-16 for 2 weeks to 3/14/16.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read an ordinance, introduced by Jane Raybould, amending Title 2 of the Lincoln Municipal Code relating to Officers, Departments and Personnel by adding a new Section numbered 2.04.060 requiring the reporting of contracts to the City Council and adding a new Section numbered 2.18.080 requiring the pre-qualification of firms providing professional services to the City, the second time.

APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND C STREET, LLC FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SUPERIOR STREET AND LEWIS AVENUE - CLERK read an ordinance, introduced by Cyndi Lamm, approving a Real Estate Purchase Agreement between the City of Lincoln and C Street, LLC authorizing the sale of City owned property generally located at the southwest corner of Superior Street and Lewis Avenue, Lincoln, Nebraska, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

AMENDING CHAPTER 9.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS, BY AMENDING SECTION 9.44.020 TO INCREASE THE PENALTY FOR THE UNLAWFUL USE OF FIREWORKS WITHIN THE LINCOLN CITY LIMITS - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 9.44 of the Lincoln Municipal Code relating to Fireworks by amending Section 9.44.020 Fireworks; Violations; penalties to increase the penalty for the unlawful use of fireworks withing the Lincoln City limits, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered #20293, is recorded in Ordinance Book 30.

ORDINANCE AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 4.68 RELATING TO BOARDS AND COMMISSIONS TO ESTABLISH THE PINNACLE BANK ARENA ADVISORY BOARD AND REPEALING SECTION 2.10.040 RELATING TO PERSHING MANAGER; AUTHORITY FROM TITLE 2 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Title 4 of the Lincoln Municipal Code relating to

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Boards and Commissions to create a new Chapter 4.68 entitled "Pinnacle Bank Arena Advisory Board" to establish the Pinnacle Bank Arena Advisory Board in the Lincoln Municipal Code relating to Pershing Manager; Authority, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20294**, is recorded in Ordinance Book 30.

REPEALING RESOLUTION NO. A-87447 ADOPTED JULY 22, 2013 RELATING TO THE PINNACLE BANK ARENA ADVISORY COMMITTEE DUE TO THE COMMITTEE'S FUNCTIONS BEING TRANSFERRED TO THE PINNACLE BANK ARENA ADVISORY BOARD ESTABLISHED IN THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89519 A Resolution regarding the repeal of the City's Pinnacle Bank Arena Advisory Committee due to the committee's functions being transferred to a board established in the Lincoln Municipal Code.

WHEREAS, on July 22, 2013, the Lincoln City Council adopted Resolution No. A-87447 establishing the Pinnacle Bank Arena Advisory Committee which has been constituted and operating since that time to study and make recommendations to the Mayor regarding the operations of the Pinnacle Bank Arena, and

WHEREAS, the Pinnacle Bank Arena represents a significant investment by the citizens of the City of Lincoln and is one of the City's most important sporting, musical, and cultural centers, and

WHEREAS, the role of the Pinnacle Bank Arena Advisory Committee should be upgraded to an advisory board under the Lincoln Municipal Code, and

WHEREAS, the responsibilities that were previously assigned to the City's Pinnacle Bank Arena Advisory Committee will be reassigned in the Lincoln Municipal Code to the Pinnacle Bank Arena Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Resolution No. A-87447 be and hereby is repealed.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDINANCE AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM AND CHAPTER 5.04 RELATING TO ALCOHOLIC LIQUOR, BY AMENDING SECTION 2.76.370, SUBSECTION (E), TO REMOVE REFERENCE TO EMPLOYEE CLASSIFICATIONS "N" AND "X" RELATING TO PERSONAL HOLIDAY HOURS AS SUBSECTION (F) RELATES TO PERSONAL HOLIDAY HOURS FOR EMPLOYEE CLASSIFICATIONS "N" AND "X"; AND AMENDING SECTION 5.04.250 TO REMOVE LANGUAGE REFERRING TO A REPEALED SECTION; AND REPEALING SECTION 2.76.370 AND SECTION 5.04.250 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personal System by amending Section 2.76.370, subsection (e), to remove reference to employee classification "N" and "X"; and amending Chapter 5.04 relating to Alcoholic Liquor by amending Section 5.04.250 to remove language referring to a repealed section; and repealing Sections 2.76.370 and Section 5.04.250 of the Lincoln Municipal as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20295**, is recorded in Ordinance Book 30.

ORDINANCE AMENDING SECTION 14.80.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO DIRECTOR OF PUBLIC WORKS AND UTILITIES TO HAVE GENERAL CONTROL OF SIDEWALKS TO REMOVE THE REQUIREMENT THAT PROPERTY OWNERS ARE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ADJOINING SIDEWALKS IN ORDER TO BRING THE CODE INTO CONFORMITY WITH THE CITY CHARTER, ART. VIII, SECTION 19; AND REPEALING SECTION 14.80.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 14.80.080 of the Lincoln Municipal Code to remove the requirement that property owners are responsible for the repair and replacement of adjoining sidewalks in order to bring the code into conformity with the City Charter, Art. VIII, Section 19 and repealing Section 14.80.080 of the Lincoln Municipal Code as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20296**, is recorded in Ordinance Book 30.

ORDINANCE AMENDING CHAPTER 27.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO USE GROUPS BY AMENDING SECTION 27.06.170 TO REVISE THE USE GROUP TABLE TO REFLECT THAT CURRENT HEAVY COMMERCIAL SERVICES USE GROUP FOR MINI-WAREHOUSES ARE A PERMITTED CONDITIONAL USE IN THE B-5 DISTRICT AS PROVIDED IN SECTION 27.62.140(B)(2); AND REPEALING SECTION 27.06.170 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 27.06 of the Lincoln Municipal Code relating to Use Groups by amending Section 27.06.170 to revise the Use Group Table to reflect the current Heavy Commercial Services Use Group for mini-warehouses are permitted conditional use in the B-5 district as provided in Section 27.62.140(b)(2); and repealing Section 27.06.170 of the Lincoln Municipal Code as hitherto existing, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered #20297, is recorded in Ordinance Book 30.

APPROVING THE ANTELOPE SQUARE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ANTELOPE SQUARE, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY BOUNDED BY 22ND STREET ON THE WEST, 23RD STREET ON THE EAST, R STREET ON THE NORTH, AND Q STREET ON THE SOUTH FOR THE CONSTRUCTION OF TWENTY-FOUR ATTACHED SINGLE FAMILY DWELLINGS. (Related Items: 16R-28, 16R-29, 16-6) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89520 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Antelope Square Redevelopment Agreement, between the City of Lincoln and Antelope Square, LLC relating to the redevelopment of property generally bounded by 22nd Street on the west, 23rd Street on the east, R Street on the north, and Q Street on the south for the construction of twenty-four (24) attached single family dwellings, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original and one copy of said Agreement to David Landis, Urban Development Department. David Landis is further directed to transmit the original Agreement to Antelope Square, LLC.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$825,000.00 IN TIF FUNDS FOR THE ANTELOPE SQUARE REDEVELOPMENT PROJECT. (Related Items: 16R-28, 16R-29, 16-6) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89521 WHEREAS, Resolution No. A-89225, adopted by the City Council of Lincoln, Nebraska on August 31, 2015, amended the fiscal year 2014-2016 annual budgets for the City of Lincoln for the 2015-2016 fiscal year and further adopted the Capital Improvement Program attached to Resolution No. A-89225 as Schedule No. 5; and

WHEREAS, it is necessary to amend the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2015 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-89225 as Schedule 5 to establish the Antelope Square Redevelopment Project (an approved project in the Antelope Valley Redevelopment Plan) for the construction of twenty-four (24) attached single family dwellings, and to pay site acquisition, site preparation, and facade enhancement costs associated with said Project as a capital improvement project within the adopted Capital Improvement Program; and (2) transferring and establishing appropriations in the amount of \$825,000.00 from TIF funds for said capital improvement project.

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the Antelope Square Project for conformity or non-conformity with the Comprehensive Plan as a capital improvement project to be funded by TIF as part of its review of the amendment to the Antelope Valley Redevelopment Plan to add the Antelope Square Project and the Planning Commission found the proposed project to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the implementation of the Antelope Valley Redevelopment Plan, Antelope Square Redevelopment Project, for the construction of twenty-four (24) attached single family dwellings, and to pay site acquisition, site preparation, and facade enhancement costs associated with said Project, is hereby established and added to the Urban Development Department's list of fiscal year 2015-16 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-89225 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$825,000.00 from Tax Increment Financing for this Antelope Square Redevelopment Project.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE ANTELOPE SQUARE REDEVELOPMENT PROJECT (Related Items: 16R-28, 16R-29, 16-6) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$825,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's Antelope Square Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgement in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered #20298, is recorded in Ordinance Book 30.

APPROVING THE SSH ARCHITECTURE REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND KEVIN AND MARY HITTLE RELATING TO THE REDEVELOPMENT OF PROPERTY LOCATED AT 6234 AND 6240 BALLARD AVENUE FOR THE CONSTRUCTION OF A NEW, APPROXIMATELY 10,800 SQUARE FOOT, BUILDING. (Related Items: 16R-30, 16R-31, 16-7) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89522 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached SSH Architecture Redevelopment Agreement, between the City of Lincoln and Kevin and Mary Hittle relating to the redevelopment of property generally located at 6234 and 6240 Ballard Avenue for the construction of a new, approximately 10,800 square foot, building, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original and one copy of said Agreement to David Landis, Urban Development Department. David Landis is further directed to transmit the original Agreement to Kevin and Mary Hittle.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AMENDING THE FY 15/16 CIP TO AUTHORIZE AND APPROPRIATE \$110,000.00 IN TIF FUNDS FOR THE SSH ARCHITECTURE REDEVELOPMENT PROJECT. (Related Items: 16R-30, 16R-31, 16-7) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89523 WHEREAS, Resolution No. A-89225, adopted by the City Council of Lincoln, Nebraska on August 31, 2015, amended the fiscal year 2014-2016 annual budgets for the City of Lincoln for the 2015-2016 fiscal year and further adopted the Capital Improvement Program attached to Resolution No. A-89225 as Schedule No. 5; and

WHEREAS, it is necessary to amend the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2015 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-89225 as Schedule 5 to establish the SSH Architecture Redevelopment Project (an approved project in the Havelock Redevelopment Plan) for the construction of a new, approximately 10,800 square foot building, and to pay site preparation, sidewalk and alley improvement, and facade enhancement costs associated with said Project as a capital improvement project within the adopted Capital Improvement Program; and (2) transferring and establishing appropriations in the amount of \$110,000.00 from TIF funds for said capital improvement project.

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the SSH Architecture Project for conformity or non-conformity with the Comprehensive Plan as a capital improvement project to be funded by TIF as part of its review of the amendment to the Havelock Redevelopment Plan to add the SSH Architecture Project and the Planning Commission found the proposed project to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the implementation of the Havelock Redevelopment Plan, SSH Architecture Redevelopment Project, for the construction of a new, approximately 10,800 square foot building, and to pay site preparation, sidewalk and alley improvement, and facade enhancement costs associated with said Project, is hereby established and added to the Urban Development Department's list of fiscal year 2015-16 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-89225 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$110,000.00 from Tax Increment Financing for this SSH Architecture Redevelopment Project.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE SSH ARCHITECTURE REDEVELOPMENT PROJECT (Related Items: 16R-30, 16R-31, 16-7) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$110,000 for the purpose of (1) paying the cost of acquiring, purchasing, construction, reconstructing, improving extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's SSH Architecture Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgement in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

GAYLOR BAIRD Moved to pass the ordinance as read.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20299**, is recorded in Ordinance Book 30.

RESOLUTIONS - 1ST READING

APPROVING TWO LOON VENTURES, LLC DBA THIRSTY SPORTS BAR AS A KENO SATELLITE AT 317 SOUTH 11TH STREET.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ACCESS TO THE ELECTRONIC REGISTRATION SYSTEM, NEBRASKA VERSION ERS II, FOR A PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2020. (*CONSENT*)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

TEXT AMENDMENT 16001 - AMENDING CHAPTER 27.59 OF THE LINCOLN MUNICIPAL CODE RELATING TO AIRPORT ZONING REGULATIONS TO EXTEND THE APPROACH ZONE FROM 3 MILES TO A NEW LIMIT OF 10 MILES, ESTABLISH THE AREA INCLUDED WITHIN THE AIRPORT HAZARD AREA, REVISE EXISTING DEFINITIONS AND ADD NEW DEFINITIONS, AND OTHER CHANGES TO BE IN ACCORDANCE WITH THE PASSAGE OF NEBRASKA LEGISLATIVE BILL 140, AND REPEALING SECTIONS 27.59.010 THROUGH 27.59.040, 27.59.060 THROUGH 27.59.090, 27.59.110, 27.59.120, 27.59.140, AND 27.59.150 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Raybould, amending Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning Regulations by amending Section 27.59.010 to revise existing definitions and add new definitions; amending Section 27.59.020 relating to location and boundaries by establishing the area included within the airport hazard area; amending Section 27.59.030 to establish and revise descriptions for the approach zones, the operation zones, the transition zones, and the turning zones; amending Section 27.59.040 relating to the height

restrictions to revise language and change references; amending 27.59.060 requiring height permits within the airport hazard area under certain circumstances, and prohibiting the issuance of a height permit for structures of appurtenances that exceed the height restrictions as established by Chapter 27.59; amending Section 27.59.070 relating to airport hazards; amending Section 27.59.080 relating to nonconforming height; amending Section 27.59.110 relating to powers of the Board of Zoning Appeals by increasing the number of votes required for action to four (4); amending Section 27.59.120 relating to the Airport Zoning Commission by updating statutory references; amending Section 27.59.140 relating to appeals from the Board of Zoning Appeals by updating statutory references; amending Section 27.59.150 relating to penalties for violations by deleting references to imprisonment and increasing the maximum fine to \$500.00; adopting a revised Lincoln Airport Zoning Map; and repealing Sections 27.59.010, 27.59.020, 27.59.030, 27.59.040, 27.59.060, 27.59.070, 27.59.080, 27.59.090, 27.59.110, 27.59.120, 27.59.140 and 27.59.150 as hitherto existing, the first time.

ADJOURNMENT

8:49 P.M.

CAMP Moved to adjourn the City Council Meeting of February 29, 2016.
 Seconded by Raybould & carried by the following vote; AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa Meier, City Clerk

Rh onda Bice, Office Specialist